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Paper No. 6

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SEP 6 2001

In re Reissue Application of
Johnson, et al.
Application No. 09/667,693
Filed: September 22, 2000
Atty. Dkt. No. 47382.000060
Title: SPEED AND ACCELERATION
MONITORING DEVICE USING
VISIBLE LASER BEAMS

OFFICE OF PETITIONS
: DECISION DISMISSING
: PETITION UNDER 37 CFR
: 1.47(b)
:
:
:

This is in response to the petition under 37 CFR 1.47(b),
filed April 26, 2001.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date
of this decision to reply, correcting the below-noted
deficiencies. Any reply should be entitled "Request for
Reconsideration of Petition Under 37 CFR 1.47(b)," and should
only address the deficiencies noted below, except that the
reply may include an oath or declaration executed by the non-
signing inventor. Failure to respond will result in
abandonment of the application. Any extensions of time will
be governed by 37 CFR 1.136(a).

The above-identified reissue application was filed September
22, 2000 without an executed oath or declaration and naming
James H. Johnson and John DiDomenico as joint inventors.
Accordingly, on October 26, 2000, a "Notice to File Missing
Parts of Application" was mailed, requiring an executed oath
or declaration, and a surcharge for its late filing. The
instant petition and request for extension of time were filed
in response.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof
that the non-signing inventor cannot be reached or refuses to
sign the oath or declaration after having been presented with
the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35
U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement
of the last known address of the non-signing inventor; (5)
proof of proprietary interest; and (6) a showing that such
action is required to preserve the rights of the parties or
to prevent irreparable damages.

Petitioner lacks item(2) set forth above.

As to item (2), an acceptable oath or declaration for the
patent application in compliance with 37 CFR 1.63 has not
been presented. The declaration submitted herewith is
unacceptable as it does not indicate the post office address
and residence of either of the named inventors. Additionally,
the declaration has not been executed. An oath or declaration

signed by one other than a named inventor should be executed by a corporate officer of the assignee company, such as the president, vice president, secretary, or treasurer on behalf of and as agent for the non-signing inventor. The name, address, and title of the corporate officer should be included. Petitioner's attention is directed to MPEP 409.03(b) for further guidance.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn.: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries regarding this decision should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Christina E. Carter for
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Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy